

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Derek J. Porter

Docket No. 5:16-MJ-1186-1

Petition for Action on Probation

COMES NOW Keith W. Lawrence, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Derek J. Porter, who, upon an earlier plea of guilty to Driving While Impaired-Level 5, in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge, on October 5, 2016, to a 12-month term of probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant is currently being supervised in the Eastern District of Wisconsin, but has requested transfer to the Western District of North Carolina. The Western District of North Carolina has advised they require all the cases they supervise to have a warrantless search condition. We would respectfully request that the defendant's conditions of probation be modified to include the Western District of North Carolina's warrantless search condition. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall submit his person, residence, office, vehicle and/or any computer system including computer data storage media, or any electronic device capable of storing, retrieving, and/or accessing data to which they have access or control, to a search, from time to time, conducted by and United States Probation Officer and such any law enforcement personnel as the probation officer may deem advisable, without a warrant. The defendant shall warn other residents or occupants that such premises, vehicles or electronic devices may be subject to searches pursuant to this condition.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Michael C. Brittain

Michael C. Brittain

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Keith W. Lawrence

Keith W. Lawrence

Senior U.S. Probation Officer

310 Dick Street

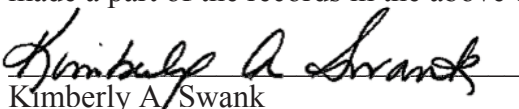
Fayetteville, NC 28301-5730

Phone: 910-354-2538

Executed On: December 19, 2016

ORDER OF THE COURT

Considered and ordered this 27th day of December, 2016, and ordered filed and made a part of the records in the above case.



Kimberly A. Swank

U.S. Magistrate Judge